

REFERENCE TITLE: public trust lands; use permit

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2250

Introduced by
Representatives McLain, Pancrazi, Crandall, Goodale, Jones, Senator
Aguirre

AN ACT

AMENDING SECTION 37-1153, ARIZONA REVISED STATUTES; RELATING TO PUBLIC TRUST LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 37-1153, Arizona Revised Statutes, is amended to
3 read:

4 37-1153. Permit to use public trust lands

5 A. EXCEPT AS PROVIDED BY SUBSECTION D, on application, the department
6 may permit the use of public trust lands by a public entity or private person
7 or entity if the department determines that such use will be consistent with,
8 and in the best interests of, the public trust. The use may continue only as
9 long as the lands are used for the purposes for which the permit is
10 granted. The permit shall contain terms and conditions that are necessary or
11 appropriate to assure protection of the public trust interests associated
12 with the lands. The user shall pay due compensation to the department that
13 shall be used for the purposes prescribed by this chapter.

14 B. At least thirty days before issuing a permit under ~~this section~~
15 SUBSECTION A, the department shall provide written notice of the proposed
16 action and an opportunity to comment to any person who has previously
17 requested written notice of actions under ~~this section~~ SUBSECTION A. The
18 department shall provide contemporaneous written notice of the final decision
19 to any person who filed a comment.

20 C. The department may lease rights-of-way in public trust lands for
21 nonexclusive uses for a term of not more than ten years without a public
22 auction, if the conditions prescribed by subsection A are met.

23 D. ON APPLICATION, THE DEPARTMENT MAY PERMIT THE USE OF PUBLIC TRUST
24 LANDS ALONG THE COLORADO RIVER BY A POLITICAL SUBDIVISION OF THIS STATE IF
25 THE DEPARTMENT DETERMINES THAT THE USE WILL BE CONSISTENT WITH, AND IN THE
26 BEST INTERESTS OF, THE PUBLIC TRUST. THE USE MAY CONTINUE ONLY IF THE LANDS
27 ARE USED FOR THE PURPOSES FOR WHICH THE PERMIT IS GRANTED. THE PERMIT SHALL
28 CONTAIN TERMS AND CONDITIONS THAT ARE NECESSARY OR APPROPRIATE TO ASSURE
29 PROTECTION OF THE PUBLIC TRUST INTERESTS ASSOCIATED WITH THE LANDS. THE USES
30 PERMITTED BY THIS SUBSECTION ARE NOT SUBJECT TO PUBLIC AUCTION REQUIREMENTS
31 IF THE USE IS CONSISTENT WITH, AND IN THE BEST INTERESTS OF, THE PUBLIC
32 TRUST.

33 D. E. The department shall adopt rules relating to granting the use
34 permits and maintaining the public trust ~~land~~ LANDS that ~~is~~ ARE subject to
35 permit under this section.